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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/265,493

03/09/1999

DAVID C. TANNENBAUM

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09/15/2008

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EXAMINER

BRIER, JEFFERY A

ART UNIT

PAPER NUMBER

2628

MAIL DATE

DELIVERY MODE

09/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/265,493	Applicant(s) TANNENBAUM, DAVID C.	
	Examiner Jeffery A. Brier	Art Unit 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/03/2008 has been entered.

Response to Amendment

2. The amendment filed on 07/03/2008 has been entered and which due to claim changes introduce new indefinite issues in claims 1-20.

Response to Arguments

3. Applicant's arguments filed 07/03/2008 concerning the objection to the specification have been fully considered but they are not persuasive. Page 5 line 2 lists "N = outward surface normal vector at a pixel" which is different narrow than the claimed "a surface normal vector". The argument concerning the objection to the specification is not persuasive because the list of parameters on pages 4 and 5 includes "outward surface normal vector at the pixel" while claim 6 with reference to claim 3 lists a surface normal vector. A parameter for a pixel discussed in the background of the invention at pages 4 and 5 is different than a parameter for a vertex discussed in the detailed specification at page 12, thus, the background description cannot be used to provide

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proper antecedent basis for the claimed subject matter due to the differences in words used in the claim and the background of the invention.

Specification

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The limitation found in claims 6, 12, and 16 "a surface normal vector" is not found in the specification, refer to applicants specification at page 12 last line to page 13 line 4. Applicant may be able to add "a surface normal vector" to the list of per-primitive parameters listed at page 12 last line to page 13 line 4.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1:

At line 13 "the texture values" lacks antecedent basis in the claim and "determining the pixel value by using the texture values over the primitive" is unclear since texture values over the primitive implies "pixels" rather the claimed "pixel".

At lines 14-15 "the texture values" lacks antecedent basis in the claim.

Dependent claims 1-9 do not correct these issues.

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Claim 7:

At lines 1-2 "the operation of determining the texture value" lacks antecedent basis in the claim.

Dependent claim 8 does not correct this issue.

Claim 10:

At line 10 applicant added "partially" while at lines 2-3 "partially" was not added, thus, at lines 2-3 of this claim the pixel values are defined by a plurality of parameters and at line 10 the pixel values are partially defined by a plurality of parameters. Thus, this claim is indefinite.

At lines 16-17 "the unselected parameters" lacks antecedent basis in the claim.

Dependent claims 11-14 do not correct these issues.

Claim 15:

This claim has the same issues identified for claim 1.

At lines 19-20 "the texture values" lacks antecedent basis in the claim and "determining the pixel value by using the texture values over the primitive" is unclear since texture values over the primitive implies "pixels" rather the claimed "pixel".

At line 21 "the texture values" lacks antecedent basis in the claim.

Dependent claims 16-20 do not correct these issues.

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Claim 20:

At lines 1-2 "the means for determining a texture value" lacks antecedent basis in the claim.

Claim Objections

7. Claims 10-14 are objected to because of the following informalities: at line 14 "are" seems inappropriate. Appropriate correction is required.

Allowable Subject Matter

8. Claims 1-20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (571) 272-7656. The examiner can normally be reached on M-F from 7:30 to 4:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (571) 272-7664. The fax phone Number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jeffery A. Brier/
Primary Examiner, Division 2628